

HOUSE BILL REPORT

HB 1967

As Reported by House Committee On: Judiciary

Title: An act relating to the reporting of physician convictions for driving while under the influence to an approved substance abuse program.

Brief Description: Providing for the reporting of physician convictions for driving while under the influence to an approved substance abuse program.

Sponsors: Representatives Moeller, Skinner, Cody, Williams, Barlow, Rodne, Condotta and Campbell.

Brief History:

Committee Activity:

Judiciary: 2/14/07, 2/21/07 [DP].

Brief Summary of Bill

- Requires the Medical Quality Assurance Commission, upon determining that a person convicted of driving under the influence of intoxicating liquor or any drug (DUI) is a physician, to refer the person to a voluntary substance abuse program for physicians.
- Provides that a physician convicted of DUI who fulfills the requirements of the substance abuse program shall not be subject to disciplinary action by the Commission for his or her substance abuse.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The responsibility of disciplining health care providers is divided between the Secretary of Health and various health profession boards and commissions (collectively known as "disciplining authorities") according to the profession that the provider is a member of and the relevant step in the disciplinary process.

The Medical Quality Assurance Commission (Commission) is responsible for disciplining licensed physicians. The Commission may impose various sanctions on physicians who have committed unprofessional conduct or are unable to practice with reasonable skill and safety due to a physical or mental condition. Sanctions may include, for example, payment of a fine, being placed on probation subject to conditions, requiring completion of a specific program or treatment, and suspension or revocation of the person's medical license.

Some of the acts that constitute unprofessional conduct are: (a) acts involving moral turpitude relating to the practice of the person's profession; (b) failure to comply with an order issued by the Commission; (c) conviction of a gross misdemeanor or felony related to the practice of the person's profession; and (d) current misuse of alcohol, controlled substances, or legend drugs.

The Commission contracts with certain entities to provide programs for physicians with substance abuse issues. The Voluntary Substance Abuse Monitoring Program provides evaluation, treatment, intervention, and education for physicians who have committed unprofessional conduct due to substance abuse.

In lieu of disciplinary action, the Commission may refer a physician who has committed unprofessional conduct to the voluntary monitoring program if the Commission determines that the conduct may be the result of substance abuse. The voluntary monitoring program can include probationary conditions, treatment, and other requirements. The physician must agree to the referral and must satisfy all requirements of the program to avoid sanctions.

Physicians may refer themselves to the voluntary substance abuse monitoring program, whether or not there has been any disciplinary action against them. Self-referred physicians are not subject to disciplinary action for their substance abuse and their participation in the program shall not be made known to the Commission if they satisfy all the requirements of the program.

A person commits driving under the influence of intoxicating liquor or any drug (DUI) if he or she: (a) drives and has, within two hours after driving, a blood alcohol concentration of .08 or higher; or (b) drives while under the influence of or is affected by alcohol or any drug. A DUI conviction carries certain penalties, including the suspension of the person's driver's license for a specified period of time. The court must forward DUI conviction information to the Department of Licensing (DOL). The court also requires an offender to undergo alcohol assessment and treatment as part of the offender's sentence.

Summary of Bill:

When the DOL receives notice that a person has pleaded guilty or been convicted of DUI, the DOL must transmit that information to the Commission. The Commission must determine if the person is a licensed physician, and if so, refer the person to a voluntary substance abuse monitoring program for physicians. When the court imposes a criminal sentence on a physician convicted of DUI, the court, as part of the alcohol assessment and treatment requirement, must refer the physician to a substance abuse program approved by the Commission.

A physician referred to a voluntary substance abuse monitoring program by the court or Commission shall not be subject to disciplinary action for the substance abuse and shall not have his or her participation made known to the disciplining authority if the person meets the requirements of the program.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was brought by the Washington State Medical Association. The purpose of the physician program is to get to the physicians early and treat them before their alcohol use becomes a problem and their practice becomes unsafe. The treatment programs can last several years. Many physicians are brought to the program by family members. This bill allows courts to refer doctors to the program. This bill furthers ensuring quality practice and it compliments other disciplinary bills currently in play.

(Opposed) None.

Persons Testifying: Carl Nelson, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.